

### REMARKS

Claims 1-20 were pending in the Application. In the Office Action, claim 4 was objected to and claims 1-20 were rejected. Claims 1-20 remain pending in the Application. Applicants respectfully request reconsideration and favorable action in this case in view of the following.

### DRAWINGS

The drawings are objected to because they do not include the following reference numerals: adjuster assembly 205 and flange 210. Applicants propose adding reference numerals 205 and 210 in FIGURE 3 as shown in the attached replacement sheet. Applicants request that the attached replacement sheet be entered and the objection to the drawings be withdrawn.

### SPECIFICATION

Applicants request that the indicated amendments to the specification be entered and the objection to the specification be withdrawn.

### CLAIM OBJECTIONS

Claim 4 is objected to because according to the Office Action in line 1 of claim 4, "a cutting" should be --the cutting--. Claim 4 has been rewritten as suggested by the Examiner. Therefore, Applicants respectfully request withdrawal of the objection to claim 4.

### SECTION 112, SECOND PARAGRAPH

Claims 6, 11, and 14-16 are rejected under 35 U.S.C. §112, second paragraph as being indefinite because according to the Office Action, claims 6, 11, and 14 recite "a frame" and it is unclear if a second frame or the same frame is claimed as in the parent claim.

In response, Applicants have amended claims 6, 11 and 14 to recite "a second frame" in place of "a frame". Therefore, Applicants respectfully request withdrawal of the rejection of claims 6, 11, and 14-16.

### SECTION 102 REJECTIONS

The Examiner rejected claims 1-3 as being unpatentable under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,906,051 issued to Nannen (hereinafter *Nannen*).

Applicants respectfully disagree and traverse the rejection of claims 1-3 as contrary to the Examiner's assertion *Nannen* does not teach or suggest a frame mounted on wheels as was recited in originally presented claim 1.

However, in order to expedite the prosecution of the application, Applicants have amended independent claim 1 to recite "said frame being supported above the ground by said ground contacting member and said set of wheels when no downward force is applied to the handle." This element of independent claim 1 is clearly not taught or suggested by *Nannen*.

Therefore, Applicants respectfully request allowance of claim 1 and the claims dependent therefrom.

### SECTION 103 REJECTIONS

The Examiner rejected claims 4-17 and 19-20 as being unpatentable under 35 U.S.C. §103(a) as being obvious over *Nannen* in view of U.S. Patent No. 2,329,185 issued to Coddington (hereinafter *Coddington*) and claim 18 as being obvious over *Nannen*, *Coddington* and U.S. Patent No. 3,443,784 issued to Walkinshaw (hereinafter *Walkinshaw*). Applicants respectfully traverse the rejection of claims 4-20.

To establish a prima facie case of obviousness there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. See M.P.E.P. §2143. M.P.E.P. §2143 further requires that the prior art references when combined must teach or suggest all the claim limitations. In order to expedite the prosecution of the application, Applicants have amended independent claim 10 to recite "said frame being supported above the ground by the set of wheels and the spindle when no downward manual force is applied to the handle." This limitation is not taught or suggested by either *Nannen* or *Coddington* or their combination. Applicants submit that if the spindle of *Nannen* were combined with the frame of *Coddington*, the frame would have to be supported by the wheels at both the front end and the rear end and not by the spindle as required by amended claim 10. Thus, even if the prior art references were combined, all the claim limitations of amended independent claim 10 would not be taught or suggested. Therefore, Applicants submit that independent claim 10 and the claims dependent therefrom are patentable. Claims 7 and 12 both recite "a manually depressible member for causing the locking member to disengage from the spindle". Claim 15 recites "a manually depressible member operatively connected for sliding the locking member . . ." Claims 7, 12 and 15 thus require two elements: a

locking member and a manually depressible member. Neither *Coddington* nor *Nannen* teaches both a locking member and a manually depressible member. Applicants submit that neither *Coddington* nor *Nannen* teach or suggest both a locking member and a manually depressible member. Therefore, even if the two references were combined, all the claim limitations of claims 7, 12 and 15 would not be taught or suggested.

Claim 16 recites in part “wherein the locking member includes a plate with an elongated opening . . .”. The Examiner is relying on screw 79” of *Coddington* as teaching “the locking member” of claim 16. Applicants respectfully submit that neither *Coddington* nor *Nannen* teach or suggest that screw 79” includes a plate with an elongated opening as recited in claim 16. Therefore, even if the two references were combined, all the claim limitations of claim 16 would not be taught or suggested.

Independent claims 17 and 20 recite in part that the spindle assembly comprises “a ground contacting structure . . .” *Coddington* does not include a spindle assembly that comprises a ground contacting structure as recited in claims 17 and 20. It appears that the Examiner is suggesting that ground guide 50 of *Nannen* be combined with the machine of *Coddington*. It is well settled that if the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification, see M.P.E.P. 2143.01. One of the stated objects of *Nannen* is to provide “a ground guide system for a vegetation trimmer which enables use of a conventional bump feed mechanism of the trimmer”, col. 2, lines 32-37. According to col. 3, lines 55-62 of *Nannen*, a bump feed mechanism may be actuated to cause additional cord to unwind from the spool for restoring free end 24’. Furthermore, “bump feed mechanism 26 may be operated with ground guide 50 in place” and “ground guide 50 may be momentarily bumped against the ground” to engage “bump feed mechanism 26 to restore free end 24’ of trimming cord 24”, col. 4, lines 47-63. *Coddington* comprises four wheels, one at each end of a chassis frame supporting the device of *Coddington*. Applicant submits that if the spindle assembly of *Coddington* would be replaced with that of *Nannen*, the bump feed mechanism of *Nannen* to release additional cord would become inoperable for its intended purpose. Therefore, the rejection is in error.

With respect to claim 18, it is well settled that in order to rely on a reference as a basis for rejection of an applicant’s invention, the reference must either be in the field of applicant’s endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned, M.P.E.P. 2141.01(a). Applicants submit that *Walkinshaw*

which relates to chairs is in a different field of endeavor than wheeled trimmers. Furthermore, Applicants submit that *Walkinshaw* would not have logically commended itself to an inventor dealing with wheeled trimmers and the problems associated therewith. Thus, this rejection is in error.

In sum, Applicants submit that a prima facie case of obviousness has not been made with respect to claims 10-20.

With respect to claims 4-9, these claims depend from independent claim 1. As discussed above, Applicants believe claim 1 is allowable because *Nannen* does not teach or suggest all the limitations of claim 1. As such, claims 4-9 must also be allowable.

### CONCLUSION

In view of the foregoing, Applicants respectfully request reconsideration of the application and allowance of claims 1-20.

The Commissioner is hereby authorized to charge any deficiency payments or credit any overpayments associated with this communication to Deposit Account No. 13-4900 of Munsch Hardt Kopf & Harr, P.C.

Respectfully submitted,

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